

REMARKS

Pursuant to this Amendment, Claims 1-15 will be pending in the subject application, with Claims 2, 3, 4, 8, 10, 11, 12, and 13 withdrawn from consideration for being directed to non-elected subject matter..

In the July 1, 2005 Office Action, the Examiner stated that restriction to one of the following groups is required under 35 USC 121:

- I. Claims 1 and 5-15, drawn to compounds of formula I, and salts or prodrugs thereof; and
- II. Claims 2-4, drawn to a pharmaceutical composition, methods of treatment, and method of inhibiting binding of CRF to the CRF1 receptor.

It is noted that Claim 8 is directed to a method and not a compound. Therefore, Applicants submit that Claim 8 should be considered by the Examiner as part of Group II not Group I.

According to the Examiner, above groups I and II are related as product and process of use. The Examiner stated that these groups can be shown to be distinct if either or both of 1) the process for using the product as claimed can be practiced with another materially different product; or 2) the product as claimed can be used in a materially different process of using that product. The Examiner asserted that diseases treated by the method according to Claim 3, such as depression and anxiety, are treatable by many materially different compounds, such as Selective Serotonin Reuptake Inhibitors and GABA agonists. The Examiner also stated that WO 00/76980 discloses several compounds according to instant claim 1 which are not characterized as CRF receptor antagonists but rather as protein kinase C inhibitors.

The Examiner also noted that the Groups I and II are separately classified. The Examiner stated that there is therefore a serious Examination burden.

In response to the Examiner's requirement, Applicants elect without traverse Group I, Claims 1, 5-7, and 9-15. Applicants do not concede to or take any position regarding the Examiner's assertions in said election without traverse, but rather merely make this election of Group I without traverse in order to advance the prosecution of the subject application as expeditiously as possible.

In this regard, Applicants also note that the Examiner stated that pharmaceutical composition claims and method of use claims that depend from or

otherwise include all the limitations of an allowable compound claim will be rejoined in accordance with MPEP 821.04. Accordingly, Applicants have not cancelled non-elected Claims 2-4 and 8.

The Examiner also required an election of a single disclosed species for searching purposes.

In response, Applicants elect the title compound of Example 3 of the subject application, namely 3,6-diethyl-N-[(1R,2S)-2-(2-fluoroethoxy)-2,3-dihydro-1H-inden-1-yl]-5-[(4-methylpyridin-2-yl)oxy]pyrazin-2-amine. Based on this election of species, Claims 10, 11, 12 and 13 are also to be withdrawn from consideration as being drawn to non-elected subject matter.

The Examiner also objected to the Specification of the subject application, specifically to the Abstract and to the Title of the subject application.

With respect to the Abstract, the Examiner argued that it does not accurately describe the invention. The Examiner stated in this regard that a generic structure of the compounds of the invention should be disclosed in the abstract. In order to expedite the prosecution of the subject application, Applicants have so amended the Title.

The Examiner also suggested that Applicants amend their Title to read "Aryl Pyrazine Derivatives". In order to expedite the prosecution of the subject application, Applicants have so amended the Title.

No fees other than the fee for the Petition to Revive filed herewith are believed necessary in connection with this Amendment. But if any other fees are determined necessary in connection with filing this Amendment, such fees may be charged to Deposit Account No. 16-1445.

Respectfully submitted,

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